



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director
(804) 698-4000

Jeffrey Hurst
Regional Director

April 20, 2021

Ms. Laura W. Coleman
Plant Manager
AEP/Appalachian Power Company
Clinch River Plant
P.O. Box 370
Cleveland, VA 24225-0370

Location: Russell County
Registration No. 10236
Facility IC No. 51-167-00003

Dear Ms. Coleman:

Attached is an administrative amendment to the October 11, 2017 permit (as amended July 16, 2018, and August 9, 2019) to operate the Clinch River Plant pursuant to 9VAC5 Chapter 80, Article 3, of the Virginia Regulations for the Control and Abatement of Air Pollution. This permit amendment reflects a change to the responsible official identified for the Clinch River Plant, pursuant to 9VAC5-80-560 A.2. This amended permit document replaces the permit issued October 11, 2017 (as amended July 16, 2018, and August 9, 2019), however, the expiration date remains unchanged.

This amended permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and civil charges. Please read all conditions carefully.

In evaluating the administrative amendment request and arriving at a final decision for approval, the Department deemed the application complete on April 13, 2021.

This permit amendment approval does not relieve Appalachian Power Company of the responsibility to comply with all other local, state, and federal permit regulations.

Issuance of this permit amendment is a case decision. The Regulations, at 9VAC5-170-200, provide that you may request a formal hearing from this case decision by filing a petition with me Board within 30 days after this permit amendment is mailed or delivered to you. Please consult the relevant regulations for additional requirements for such requests.

Ms. Laura W. Coleman

April 20, 2021

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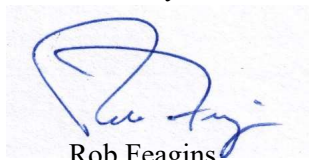
As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal of this decision by filing a Notice of Appeal with:

David K. Paylor, Director
Department of Environmental Quality
P. O. Box 1105
Richmond, VA 23218

In the event that you receive this permit amendment by mail, three days are added to the thirty-day period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for information on the required content of the Notice of Appeal and for additional requirements governing appeals from decisions of administrative agencies.

If you have any questions concerning this permit amendment, please call Tom Derting at (276) 676-4831.

Sincerely,



Rob Feagins
Air Permit Manager

GRF/TMD/td/10236-029-21-T5Amend.docx

Attachments: Amended Permit

c: Director, OAPP (electronic file submission)
Manager, Data Analysis (electronic file submission)
Permits and Technical Assessment Branch (3AP11), U.S. EPA, Region III (electronic file submission)



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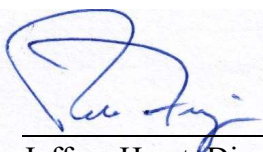
Jeffrey Hurst
Regional Director

Federal Operating Permit
Article 3

This permit is based upon Federal Clean Air Act acid rain permitting requirements of Title IV, federal operating permit requirements of Title V; and Chapter 80, Article 3 and Chapter 140 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution. Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, Chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, 9VAC5-80-360 through 9VAC5-80-700, 9VAC5-140-1010 et seq., 9VAC5-140-2010 et seq., 9VAC5-140-3010 et seq., and 9VAC5-140-5010 et seq. of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Appalachian Power Company (APCO) (dba, American Electric Power (AEP))
Facility Name:	Clinch River Plant
Facility Location:	Carbo, Russell County, Virginia
DEQ Registration No:	10236
Permit Number:	SWRO-10236
Effective Date:	October 11, 2017
Amendment Dates:	July 16, 2018, August 9, 2019, and April 20, 2021
Expiration Date:	October 10, 2022


Jeffrey Hurst, Director – Southwest Regional Office
Department of Environmental Quality

Attachments: Table of Contents, 2 pages
Permit Conditions, 44 pages

Federal Operating Permit Table of Contents

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I. Facility Information

Permittee:

Appalachian Power Company (APCO)
(dba, American Electric Power (AEP))
1 Riverside Plaza
Columbus, Ohio 43215-2373

Responsible Official: *

Ms. Laura W. Coleman
Plant Manager, Clinch River Plant

Contact Person: **

Scott A. Weaver
Director, Air Quality Services

Acid Rain Program Designated Representative: **

Scott A. Weaver
Director, Air Quality Services

Acid Rain Program Alternate Designated Representative: **

Jeffrey D. Clark
Engineer

DEQ Plant Identification Number: 51-167-00003

NATS Facility Identification Number (ORIS Code): 003775

Facility Description: SIC 4911 - Electric Services
NAICS 221112 - Fossil Fuel Electric Power Generation

The Clinch River Plant was originally constructed as a coal-fired electric power generating facility utilizing three (3) radiant tube boilers nominally rated at 2,100.9 MMBtu/hr each. Units #1 and #2 were constructed in 1958 and Unit #3 was constructed in 1961. Each of the three units utilized coal and distillate oil for firing (but each also had the capacity to burn used oil, ion exchange resins, and metal cleaning fluid as supplemental fuels)

In 2015, Unit #3 was permanently shut down and Units #1 and #2 were converted from coal to natural gas combustion. Units #1 and #2 utilize the same infrastructure to produce high pressure, high temperature steam that is used to turn turbines coupled to electric generators. The electrostatic precipitators (ESP's) were removed as part of the conversion from coal to natural gas combustion. The removal of the ESP's resulted in corresponding increases in the nominal rating of each generator from 235 to 242 net megawatts (MW) of electrical output. Both boilers are equipped with SNCR systems that inject urea to react with nitrogen oxides to produce water, nitrogen, and carbon dioxide.

* (as amended 7/16/2018, and 4/20/2021, in accordance with 9VAC5-80-560).

** (as amended 8/09/2019, in accordance with 9VAC5-80-560).

Although the Clinch River Plant no longer has the ability to combust coal, the railcar unloading operations at the facility are still capable of receiving coal and loading it into trucks for transport to other facilities in the area. All coal ash handling operations have been removed.

Emission units at the facility include the two Babcock & Wilcox (B&W) radiant tube boilers, a 33.4 MMBtu/hr natural gas-fired auxiliary boiler, a 16.42 MMBtu/hr natural gas-fired gas supply line heater, two 150-hp emergency distillate oil-fired fire pump engines, and the railcar coal unloading and truck loadout operations.

The facility is a major source of NO_x, SO₂, PM-10, CO, hydrogen fluoride, hydrochloric acid, greenhouse gases (GHG), and total hazardous air pollutant (HAP) emissions. This source is located in an attainment area for all criteria pollutants. The facility will be permitted under a Phase II Acid Rain Permit that has the same effective 5 year period as the federal operating permit.

II. Emission Units

Equipment to be operated consists of:

Emission Unit ID	Stack ID	Emission Unit Description	Size/Rated Capacity	Pollution Control Device (PCD) Description	PCD ID	PCD Corrosion
Fuel Burning Equipment						
CR1	CS012	Babcock and Wilcox Radiant Tube Boiler (RB-269-1) Constructed 1958 Converted to Natural Gas 2015	2461 MMBtu/hr	Selective Non-Catalytic Reduction (SNCR)	SNCR1	N
CR2	CS012	Babcock and Wilcox Radiant Tube Boiler (RB-269-2) Constructed 1958 Converted to Natural Gas 2015	2461 MMBtu/hr	Selective Non-Catalytic Reduction (SNCR)	SNCR2	N
CR4	AUX1	English Boiler & Tube, natural gas-fired, Model 20 Dd 250 with superheater	33.4 MMBtu/hr			
CR5	GH1	Sigma Thermal natural gas-fired fuel heater (line heater)	16.42 MMBtu/hr			
Stationary Combustion Engines (Emergency)						
U12-FP	U12 FPS	Unit 1 Fire Pump Engine	150 hp			
U3-FP	U3 FPS	Unit 3 Fire Pump Engine	150 hp			
Coal Handling						
TL-1	-	Coal Truck Loading & Rail Car Unloading Operation	950 tons/hr	-	-	

III. Fuel Burning Equipment Requirements – (emission unit ID#s CR1, CR2, CR4, and CR5)

1. **Fuel Burning Equipment Requirements – (CR1 and CR2) – Limitations** – Nitrogen oxide emissions from Units 1 and 2 (CR1 and CR2) shall be controlled by low NO_x burners, good combustion practices, and selective non-catalytic reduction (SNCR). The low NO_x burners shall be installed and operated in accordance with manufacturer's specifications.
(9VAC5-80-490 and Condition 1 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))
2. **Fuel Burning Equipment Requirements – (CR1 and CR2) – Limitations** – Carbon monoxide and volatile organic compound emissions from Units 1 and 2 (CR1 and CR2) shall be controlled by good combustion practices.
(9VAC5-80-490 and Condition 2 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))
3. **Fuel Burning Equipment Requirements – (CR1 and CR2) – Limitations** – The approved fuel for Units 1 and 2 (CR1 and CR2) is natural gas exclusively. A change in the fuel may require a permit to modify and operate.
(9VAC5-80-490, Condition 2 of the SOP issued 1/13/2009 (as amended 10/19/2009, and 9/27/2016), and Condition 5 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))
4. **Fuel Burning Equipment Requirements – (CR4 and CR5) – Limitations** - The approved fuel for the auxiliary boiler (CR4) and the fuel heater (CR5) is natural gas. A change in the fuel may require a permit to modify and operate.
(9VAC5-80-490 and Condition 6 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))
5. **Fuel Burning Equipment Requirements – (CR1, CR2, CR4, and CR5) – Limitations** - The consumption of natural gas in Unit 1, Unit 2, the auxiliary boiler, and the fuel heater (Reference Nos. CR1, CR2, CR4, and CR5, respectively) shall not exceed a combined total of 27,100,000,000 standard cubic feet per year, calculated monthly as the sum of each consecutive 12 month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.
(9VAC5-80-490 and Condition 7 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))
6. **Fuel Burning Equipment Requirements – (CR1 and CR2) – Limitations** – The ammonia slip in the boiler exhausts for Units 1 and 2 (CR1 and CR2) shall not exceed 10.0 parts-per-million (ppm) as a monthly average. The ammonia slip in each boiler exhaust shall be monitored continuously and the average hourly concentration shall be recorded. The average monthly concentration shall be determined as the sum of the hourly concentrations recorded during that month divided by the unit operating time in hours.
(9VAC5-80-490 and Condition 9 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))
7. **Fuel Burning Equipment Requirements – (CR1 and CR2) – Limitations** – Emissions from the operation of each of the B&W Radiant Tube Boilers shall not exceed the limits specified below:

Sulfur Dioxide Limit	Stack 1
3-Hour Block Average*	1.08 lbs/MMBtu and 4537.94 lbs/hr
24-Hour Block Average*	1.05 lbs/MMBtu and 105,886 lbs/day

Compliance with the limitations contained in this condition shall be determined using data and information resultant from and required by Conditions 3 and 21.e of this permit and any other credible information or data, as approved by the Director, Southwest Regional Office.

* The term “3-hour block average” is defined as non-overlapping 3-hour averages, beginning at midnight, as described in 40 CFR Part 50. The term “24-hour block average” is defined as the average of the 24 hourly values from midnight to midnight, as described in 40 CFR Part 50. (9VAC5-80-490 and Condition 3 of the SOP issued 1/13/2009 (as amended 10/19/2009, and 9/27/2016))

8. Fuel Burning Equipment Requirements – (CR1, CR2, CR4, and CR5) – Limitations –

Emissions from the combustion of natural gas in the Unit 1, Unit 2, and auxiliary boilers (Reference Nos. CR1, CR2, CR4, and CR5) shall not exceed the limits specified below:

Pollutant	Short-Term Limits			Annual Limits
	Units 1 and 2 (CR1 and CR2) (per unit)	Auxiliary Boiler (CR4)	Fuel Heater (CR5)	Facility-Wide
Sulfur Dioxide (SO ₂)	144.78 lbs/hr	1.98 lbs/hr	0.96 lbs/hr	813.00 tons/yr
Carbon Monoxide (CO)	147.66 lbs/hr 0.06 lbs/MMBtu	4.68 lbs/hr	0.66 lbs/hr	233.00 tons/yr
Nitrogen Oxides (as NO ₂)	442.98 lbs/hr 0.18 lb/MMBtu	0.89 lbs/hr	0.59 lbs/hr	1505.00 tons/yr
Volatile Organic Compounds (VOC)	9.84 lbs/hr 0.004 lbs/MMBtu	0.18 lbs/hr	0.07 lbs/hr	55.50 tons/yr
PM-10/PM-2.5	27.99 lbs/hr	0.25 lbs/hr	0.16 lbs/hr	157.18 tons/yr

Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period. These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions 1, 2, 3, 4, 5, 6, and 13.

Unless otherwise specified, the short-term CO emission limits on Units 1 and 2 (Reference Nos. CR1 and CR2) shall apply at all times except during periods of startup, shutdown, and malfunction. Periods of startup and shutdown are defined in Condition 9. (9VAC5-80-490 and Condition 10 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))

9. Fuel Burning Equipment Requirements – (CR1 and CR2) – Limitations – During periods of startup and shutdown, the short-term emissions from the combustion of natural gas in the Unit 1 and Unit 2 boilers (Reference Nos. CR1 and CR2) shall meet the following criteria:

- a. Startup – A startup commences when the unit begins combusting fuel after a shutdown and ends when the unit is operating above 25% of design full load and shall not exceed a maximum duration of 18 hours. CO emissions from each unit shall not exceed 1800 lbs per startup.
- b. Shutdown – A shutdown commences when the unit is being removed from service and drops below 25% of design full load and ends when the fuel supply to the unit ceases and shall not

exceed a maximum duration of 9 hours. CO emissions from each unit shall not exceed 900 lbs per shutdown.

- c. The permittee shall operate the continuous emission monitoring systems (as specified in Condition 13) during periods of startup and shutdown.
- d. The permittee shall record the date, time, and duration of each startup and shutdown period.
- e. The permittee shall operate the facility so as to minimize the frequency and duration of startup and shutdown periods.

(9VAC5-80-490 and Condition 11 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))

10. **Fuel Burning Equipment Requirements – (CR1 and CR2) – Limitations** – Visible emissions from the common exhaust stack serving Units 1 and 2 (Reference Nos. CR1 and CR2) shall not exceed ten percent (10%) opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown and malfunction.

(9VAC5-80-490 and Condition 13 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))

11. **Fuel Burning Equipment Requirements – (CR4 and CR5) – Limitations** – Visible emissions from the auxiliary boiler (CR4) and fuel heater (CR5) exhaust stacks shall each not exceed twenty percent (20%) opacity, except for one six-minute period in any hour of not more than thirty percent (30%) opacity, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).

(9VAC5-80-490 and 9VAC5-50-80)

12. **Fuel Burning Equipment Requirements – (CR4 and CR5) – Work Practice Standards** – The permittee shall conduct an annual tune-up of the auxiliary boiler (CR4) and the fuel heater (CR5) to demonstrate continuous compliance as specified in paragraphs (a) through (f) of this condition. Each tune-up must be conducted while burning natural gas.

- a. As applicable, inspect the burner, and clean or replace any components of the burner as necessary (the burner inspection may be performed any time prior to the tune-up or delay the burner inspection until the next scheduled unit shutdown). At units where entry into a piece of process equipment or into a storage vessel is required to complete the tune-up inspections, inspections are required only during planned entries into the storage vessel or process equipment;
- b. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available;
- c. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly (the inspection may be delayed until the next scheduled unit shutdown);
- d. Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications, if available, and with any NO_x requirement to which the unit is subject;
- e. Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be

either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer; and

- f. Maintain on-site and submit, if requested by the Administrator, a report containing the following information:
 - i. The concentrations of CO in the effluent stream in parts per million by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up *of* the boiler or process heater;
 - ii. A description of any corrective actions taken as a part of the tune-up; and
 - iii. The amount of fuel used over the 12 months prior to the tune-up. Units sharing a fuel meter may estimate the fuel used by each unit.

(9VAC5-80-490 and 40 CFR 63.7540 (a))

13. **Fuel Burning Equipment Requirements – (CR1 and CR2) – Monitoring** - Continuous Emission Monitoring Systems (CEMS) shall be installed to measure and record the emissions of nitrogen oxides (NO_x) (measured as NO₂) and carbon monoxide (CO) from the boilers (Reference Nos. CR1 and CR2). CEMS for NO_x shall meet the design specifications of 40 CFR 75 whereas CEMS for CO shall be installed, evaluated, and operated according to DEQ-approved procedures which are equivalent to the requirements of 40 CFR 60.13 and Appendices B and F for compliance with the emission limits contained in Condition 8. NO_x and CO data shall be reduced to 1-hour block averages and 30-day rolling averages.

(9VAC5-80-490 and Condition 15 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))

14. **Fuel Burning Equipment Requirements – (CR1 and CR2) – Monitoring – CEMS Performance Evaluations** - Performance evaluations of the NO_x and CO continuous monitoring systems shall be conducted in accordance with 40 CFR Part 60, Appendix B, and shall take place during the performance tests under 9VAC5-50-30 or within 30 days thereafter. Two copies of the performance evaluations report shall be submitted to the Director, Southwest Regional Office within 45 days of the evaluation. The continuous monitoring systems shall be installed and operational prior to conducting initial performance tests. Verification of operational status shall, as a minimum, include completion of the manufacturer's written requirements or recommendations for installation, operation and calibration of the device. A 30-day notification, prior to the demonstration of continuous monitoring system's performance, and subsequent notifications shall be submitted to the Director, Southwest Regional Office.

(9VAC5-80-490 and Condition 16 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))

15. **Fuel Burning Equipment Requirements – (CR1 and CR2) – Monitoring - CEMS Quality Control Program** - A CEMS quality control program which is equivalent to the requirements of 40 CFR 60.13 and 40 CFR 60, Appendix F or Part 75 shall be implemented for all continuous monitoring systems.

(9VAC5-80-490 and Condition 17 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))

16. **Fuel Burning Equipment Requirements – (CR1 and CR2) – Monitoring** - The permittee shall conduct visible emissions observations (VEO's) on the common exhaust stack (Reference No. CS012) serving Units 1 and 2 (Reference Nos. CR1 and CR2) in accordance with the following procedures:

- a. At a minimum of once per month in which Unit 1 and/or Unit 2 operates, the permittee shall observe the common exhaust stack for the presence of visible emissions from the corresponding boiler(s). Each VEO shall be performed for a sufficient period of time to identify the presence of visible emissions. If no visible emissions are observed, a note to that effect must be recorded. However, if visible emissions are observed, a visible emissions evaluation (VEE) shall be conducted using 40 CFR Part 60, Appendix A, Method 9 for a period of not less than six minutes. If any of the observations during the 6-minute period exceed the applicable opacity limit, the observation period shall continue until 60 minutes of observations have been completed.
- b. The visible emissions observations and evaluations shall be performed during operating periods when the affected units are not in startup or shutdown periods as defined in Condition 9.

(9VAC5-80-490 B & C)

17. **Fuel Burning Equipment Requirements – (CR1 and CR2) - Monitoring** – In the event that VEE's performed in accordance with Condition 16, indicate the visible emissions exceed the limitation shown in Condition 10 for Units 1 and 2 (Reference Nos. CR1 and CR2), then the permittee shall verify that each pertinent boiler is operating in accordance with manufacturer's specifications or other predetermined site-specific acceptable operating conditions. If a boiler is not operating properly, the permittee shall take corrective actions to reduce the visible emissions such that compliance with the opacity limit in Condition 10 is achieved.

(9VAC5-80-490 B & C)

18. **Fuel Burning Equipment Requirements – (CR1 and CR2) – CEMs Reports** - The permittee shall furnish written reports to the Director, Southwest Regional Office, of excess emissions from any process monitored by a continuous monitoring system (CEMS) on a quarterly basis, postmarked no later than the 30th day following the end of the calendar quarter. These reports shall include, but are not limited to the following information:

- a. The magnitude of excess emissions, any conversion factors used in the calculation of excess emissions, and the date and time of commencement and completion of each period of excess emissions;
- b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the process, the nature and cause of the malfunction (if known), the corrective action taken or preventative measures adopted;
- c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
- d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in that report.

(9VAC5-80-490 and Condition 18 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))

19. **Fuel Burning Equipment Requirements – (CR1 and CR2) – CEMs Reports** - Within 30 days of the end of each calendar quarter, the permittee shall prepare and maintain reports of SO₂

emissions in lb/hr and lb/MMBtu for the combined boiler stack (Stack 1), expressed on hourly, 3-hour block average, and 24-hour block average bases.

(9VAC5-80-490 and Condition 6 of the SOP issued 1/13/2009 (as amended 10/19/2009, and 9/27/2016))

20. **Fuel Burning Equipment Requirements – (CR-1 and CR-2) – Recordkeeping** - A record of each visible emissions observation or evaluation (as required in Condition 16) shall be maintained and shall include, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer.

(9VAC5-80-110 K)

21. **Fuel Burning Equipment Requirements – (CR1, CR2, CR4, and CR5) – Recordkeeping** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:

- a. The annual consumption of natural gas in Unit 1, Unit 2, the auxiliary boiler, and the fuel heater (Reference Nos. CR1, CR2, CR4, and CR5), calculated monthly as the sum of each consecutive 12 month period.
- b. The average hourly and monthly ammonia slip concentration for each boiler exhaust, expressed in parts-per-million (ppm).
- c. Continuous monitoring system calibrations and calibration checks, percent operating time, and excess emissions.
- d. Monthly emissions calculations for VOC, PM-10, PM-2.5, and SO₂ from Unit 1, Unit 2, the auxiliary boiler, and the fuel heater (Reference Nos. CR1, CR2, CR4, and CR5).
- e. Quarterly emissions calculations for SO₂, as required in Condition 19, to demonstrate compliance with the emissions limitations in Condition 7.
- f. Records of each startup and shutdown for Units 1 and 2, including the duration and total CO emissions during each event.
- g. Scheduled and unscheduled maintenance and operator training.
- h. Results of stack tests and visible emissions evaluations.

These records shall be available for inspection by the DEQ and shall be current for the most recent five years.

(9VAC5-80-490, Condition 5 of the SOP issued 1/13/2009 (as amended 10/19/2009, and 9/27/2016), and Condition 19 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))

22. **Fuel Burning Equipment Requirements – (CR1 and CR2) – Testing** – In accordance with the January 17, 2017 Consent Order issued under the authority of Va. Code §§ 10.1-1309, and -1316, between the State Air Pollution Control Board and Appalachian Power Company, Appalachian Power Company shall conduct performance testing on CR1 and CR2 to verify compliance with the PM-10/PM-2.5 emissions limit listed in Condition 8. These tests shall be conducted no later than January 18, 2018. A test protocol must be submitted to the DEQ at least

thirty (30) days prior to the performance testing. A copy of all test results shall be submitted to the DEQ within forty-five (45) days of test completion.

(9VAC5-80-490 and the State Air Pollution Control Board Enforcement Action – Order By Consent issued to Appalachian Power Company for the Clinch River Plant, on 1/17/2017).

23. **Fuel Burning Equipment Requirements – (CR1 and CR2) – Testing** – Performance testing shall be conducted at least once every five (5) years on Units 1 and 2 (Reference Nos. CR1 and CR2) to demonstrate compliance with the PM-10 (and/or PM-2.5) and VOC emission limits specified in Condition 8. The unit (or units) being tested shall be in normal operation during the tests. Tests shall be conducted and reported and data reduced as set forth in 9VAC5-50-30. The permittee shall submit a test protocol at least thirty (30) days prior to testing. The test results shall be submitted to the Director, Southwest Regional Office within 60 days after test completion. The details of the tests shall be arranged with the Director, Southwest Regional Office.
(9VAC5-80-490 and 9VAC5-50-30)
24. **Fuel Burning Equipment Requirements – (CR1 and CR2) – Testing** – Upon request by the DEQ, the permittee shall conduct additional tests on the common stack for Units 1 and 2 (Reference Nos. CR1 and CR2) to demonstrate compliance with the emission limits contained in this permit. The details of the tests shall be arranged with the Director, Southwest Regional Office.
(9VAC5-80-490 and Condition 22 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))
25. **Fuel Burning Equipment Requirements – (CR1 and CR2) – Testing** - Upon request by the DEQ, the permittee shall conduct additional Visible Emissions Evaluations (VEE) in accordance with 40 CFR Part 60, Appendix A, Method 9 on the common boiler stack for Units 1 and 2 (Reference Nos. CR1 and CR2) to demonstrate compliance with the visible emission limits contained in Condition 10. The details of the tests shall be arranged with the Director, Southwest Regional Office.
(9VAC5-80-490 and Condition 23 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))

IV. Stationary Combustion Engines – (emission units U12-FP and U3-FP)

26. **Stationary Combustion Engine Requirements – (U12-FP and U3-FP) – Requirements** – The permittee shall comply with the following requirements for the emergency fire pump engines (U12-FP and U3-FP) as specified in Table 2c to MACT ZZZZ:
 - a. Change oil and filter every 500 hours of operation or annually, whichever comes first (sources have the option to utilize an oil analysis program as described in §63.6625(i) in order to extend the specified oil change requirement);
 - b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first;
 - c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary. Sources can petition the Administrator pursuant to the requirements of 40 CFR 63.6(g) for alternative work practices; and

d. Minimize the engine's time spent at idle and minimize the engine's startup time to the period needed for appropriate and safe loading of the engine, not to exceed 30 minutes.
(9VAC5-80-490 and 40 CFR 63.6602)

27. **Stationary Combustion Engine Requirements – (U12-FP and U3-FP) – Requirements –** Each emergency fire pump engine (U12-FP and U3-FP) shall be equipped with a non-resettable hour meter that measures and displays the cumulative hours of engine operation.
(9VAC5-80-490 and 40 CFR 63.6625 (f))

28. **Stationary Combustion Engine Requirements – (U12-FP and U3-FP) – Requirements –** The permittee shall operate and maintain the emergency fire pump engines (U12-FP and U3-FP) and any after-treatment control devices (if any) according to the manufacturer's emission-related written instructions or a source-developed maintenance plan which provides to the extent practicable for the maintenance and operation of the engines in a manner consistent with good air pollution control practice for minimizing emissions.
(9VAC5-80-490 and 40 CFR 63.6625 (e))

29. **Stationary Combustion Engine Requirements – (U12-FP and U3-FP) – Requirements –** The permittee shall operate the emergency fire pump engines (U12-FP and U3-FP) in accordance with the following:

- a. There is no time limit on the use of emergency stationary reciprocating internal combustion engine (RICE) in emergency situations.
- b. Each emergency stationary RICE may be operated for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency RICE beyond 100 hours per year.
- c. Each emergency stationary RICE may be operated up to 50 hours per year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing.

Any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described in paragraphs a through c of this condition, is prohibited. If the engine is not operated according to the requirements in paragraphs a through c of this condition, the engine will not be considered an emergency engine under MACT ZZZZ and will need to meet all requirements for non-emergency engines.
(9VAC5-80-490 and 40 CFR 63.6640 (f))

30. **Stationary Combustion Engine Requirements – (U12-FP and U3-FP) – Requirements –** Visible emissions from the exhaust stacks on the emergency fire pump engines (U12-FP and U3-FP) shall each not exceed twenty percent (20%) opacity, except for one six-minute period in any one hour of not more than 30% opacity. Compliance with these opacity limits may be demonstrated through compliance with Condition 28.
(9VAC5-80-490 and 9VAC5-50-80)

31. **Stationary Combustion Engine Requirements – (U12-FP and U3-FP) – Recordkeeping –**
The permittee shall keep records of the inspection and maintenance activities conducted on the emergency fire pump engines (U12-FP and U3-FP) as specified in Condition 26, as well as records of all maintenance conducted to demonstrate that the engines were operated and maintained in accordance with the unit maintenance plan identified in Condition 28.
(9VAC5-80-490 and 40 CFR 63.6655 (d) and (e))
32. **Stationary Combustion Engine Requirements – (U12-FP and U3-FP) – Recordkeeping –**
The permittee shall keep records of the hours of operation of each emergency fire pump engine (U12-FP and U3-FP) recorded through the non-resettable hour meter. The owner or operator must document the number of hours that were spent for emergency operation, including what classified the operation as emergency, and how many hours were spent for non-emergency operation.
(9VAC5-80-490 and 40 CFR 63.6655 (f))

V. Coal Truck Loading and Railcar Unloading Requirements – (emission unit TL-1)

33. **Coal Truck Loading and Railcar Unloading Requirements - (TL-1) – Limitations -** Fugitive dust and fugitive emission controls shall include the following, or equivalent, as a minimum:
- a. Dust from material handling, transfers and load-outs shall be controlled by wet suppression or equivalent (as approved by the DEQ).
 - b. All material being stockpiled shall be kept adequately moist to control dust during storage and handling or covered at all times to minimize emissions.
 - c. Dust from haul roads and traffic areas shall be controlled by the application of asphalt, water, suitable chemicals, or equivalent methods approved by the DEQ.
 - d. Reasonable precautions shall be taken to prevent deposition of dirt on public roads and subsequent dust emissions. Dirt, product, or raw material spilled or tracked onto paved surfaces shall be promptly removed to prevent particulate matter from becoming airborne.
(9VAC5-80-490 and Condition 3 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))
34. **Coal Truck Loading and Railcar Unloading Requirements - (TL-1) – Limitations -** The throughput of coal to the coal truck loading operations (Reference No. TL-1) shall not exceed 4,000,000 tons per year, calculated monthly as the sum of each consecutive 12 month period.
(9VAC5-80-490 and Condition 8 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))
35. **Coal Truck Loading and Railcar Unloading Requirements - (TL-1) – Limitations -**
Emissions from the coal truck loading operations (Reference No. TL-1) shall not exceed the limits specified below:
- Coal Truck Loading:
- | | | |
|--------------------|-------------|--------------|
| Particulate Matter | 2.85 lbs/hr | 6.00 tons/yr |
| PM-10 | 2.85 lbs/hr | 6.00 tons/yr |
| PM-2.5 | 2.85 lbs/hr | 6.00 tons/yr |

Truck Loading Traffic:

Particulate Matter	3.10 lbs/hr	6.37 tons/yr
PM-10	1.56 lbs/hr	3.20 tons/yr
PM-2.5	0.38 lbs/hr	0.78 tons/yr

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits shall be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Conditions 33 and 34.

(9VAC5-80-490 and Condition 12 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))

36. **Coal Truck Loading and Railcar Unloading Requirements - (TL-1) – Limitations** - Visible emissions from the coal truck loading operations (Reference No. TL-1) shall not exceed twenty percent (20%) opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during startup, shutdown and malfunction.
(9VAC5-80-490 and Condition 14 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))

37. **Coal Truck Loading and Railcar Unloading Requirements - (TL-1) – Monitoring** – During periods when the coal truck loading and railcar unloading facilities are in operation, visible emission checks shall be conducted at least once weekly on the coal handling operations to show compliance with the opacity limits specified in Condition 36 of this permit. These checks shall be conducted during periods of normal facility operation for a sufficient time interval to determine the presence of visible emissions using 40 CFR 60 Appendix A, Method 22. If visible emissions are observed during these weekly observations, or at any other time, visible emissions evaluations (VEE's) in accordance with 40 CFR 60 Appendix A, Method 9 shall be conducted on the affected coal processing equipment. The VEE shall be conducted for a minimum of six (6) minutes. A Method 9 evaluation shall not be required if the opacity condition is corrected in a timely manner; the emissions unit is operating at normal conditions; and the cause and corrective measures taken are recorded. A record of each visible emissions observation shall be maintained, including any data required by 40 CFR 60 Appendix A, Method 22 or Method 9, whichever is appropriate. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer.
(9VAC5-80-490 and 9VAC5-50-20)

38. **Coal Truck Loading and Railcar Unloading Requirements - (TL-1) – Recordkeeping** – The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to, the annual processing of coal in the coal truck loading operations (Reference No. TL-1), calculated as the sum of each consecutive 12-month period.
(9VAC5-80-490 and Condition 19.b of the NSR permit issued 1/13/2015 (as amended 8/03/2016))

VI. Permit Shield and Inapplicable Requirements

39. **Permit Shield and Inapplicable Requirements** - Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance

date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit. Had there been any requirements specifically identified as being not applicable to this permitted facility, those requirements would also have been covered by the permit shield.

Nothing in this permit shield shall alter the provisions of § 303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by (i) the administrator pursuant to § 114 of the federal Clean Air Act, (ii) the Board pursuant to § 10.1-1314 or § 10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to § 10.1-1307.3 of the Virginia Air Pollution Control Law. (9VAC5-80-490 and 9VAC5-80-500)

VII. General Conditions

40. **General Conditions - Opacity** - No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any hour of not more than 60% opacity. Failure to meet these requirements due to the presence of water vapor shall not be seen as a violation.
(9VAC5-40-80 and 9VAC5-80-490)
41. **General Conditions – Violation of Ambient Air Quality Standards** - The permittee shall, upon request of the DEQ, reduce the level of operation or shut down a facility, as necessary to avoid violating any primary ambient air quality standard and shall not return to normal operation until such time as the ambient air quality standard will not be violated.
(9VAC5-20-180-I, 9VAC5-80-490, Condition 9 of the SOP issued 1/13/2009 (as amended 10/19/2009, and 9/27/2016), and Condition 29 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))
42. **General Conditions – Equipment Maintenance and Operator Training** - In order to minimize the duration and frequency of excess emissions due to malfunctions of process equipment or air pollution control equipment, the permittee shall:
 - a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance. These records shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.
 - b. Maintain an inventory of spare parts that are needed to minimize the duration of air pollution control equipment breakdowns.
 - c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum.
 - d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures, prior to their first operation of such equipment. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.

Records of maintenance and training shall be maintained on site for a period of five years and shall be made available to DEQ personnel upon request.

(9VAC5-50-20-E, 9VAC5-80-490, Condition 10 of the SOP issued 1/13/2009 (as amended 10/19/2009, and 9/27/2016), and Condition 26 of the NSR permit issued 1/13/2015 (as amended 8/03/2016))

43. **General Conditions – Federal Enforceability** - All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9VAC5-80-490)
44. **General Conditions - Permit Expiration** - This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless the responsible official submits a timely and complete application for renewal to the Department consistent with the requirements of 9VAC5-80-430, the right of the facility to operate shall be terminated upon permit expiration. In addition:
- a. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
 - b. If an applicant submits a timely and complete application for permit renewal, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 3, Part II of 9VAC5 Chapter 80, until the Board takes final action on the application under 9VAC5-80-510.
 - c. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9VAC5-80-430 for a renewal permit, except in compliance with a permit issued under Article 3, Part II of 9VAC5 Chapter 80.
 - d. In accordance with 9VAC5-80-430 F.7.d, a complete acid rain permit application shall be binding on the owners and operators and the designated representative of the affected source and the affected units covered by the permit application and shall be enforceable as an acid rain permit from the date of submission of the permit application until the issuance or denial of such permit as a final agency action subject to judicial review.
 - e. If an applicant submits a timely and complete application under section 9VAC5-80-430 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit:
 - i. the previous permit shall not expire until the renewal permit has been issued or denied and;
 - ii. all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9VAC5-80-500, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
 - f. The protection under paragraphs (b) and (e) of this condition shall cease to apply if, subsequent to the completeness determination made pursuant section 9VAC5-80-430 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.
(9VAC5-80-430, 9VAC5-80-490 and 9VAC5-80-530)

45. **General Conditions -Recordkeeping and Reporting** - All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
- a. The date, place as defined in the permit, and time of sampling or measurements;
 - b. The date(s) analyses were performed;
 - c. The company or entity that performed the analyses;
 - d. The analytical techniques or methods used;
 - e. The results of such analyses; and
 - f. The operating conditions existing at the time of sampling or measurement.
- (9VAC5-80-490)
46. **General Conditions -Recordkeeping and Reporting** - Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
- (9VAC5-80-490)
47. **General Conditions -Recordkeeping and Reporting** - The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9VAC5-80-430 G, and shall include:
- a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31; and
 - b. All deviations from permit requirements. For purpose of this permit, deviations include, but are not limited to:
 - i. Exceedances of emissions limitations or operational restrictions;
 - ii. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or Compliance Assurance Monitoring (CAM) which indicates an exceedance of emission limitations or operational restrictions; or,
 - iii. Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
 - c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that "no deviations from permit requirements occurred during this semi-annual reporting period."
- (9VAC5-80-490)
48. **General Conditions - Annual Compliance Certification** - Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices for the period ending

December 31. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. The permittee shall maintain a copy of the certification for five (5) years after submittal of the certification. This certification shall be signed by a responsible official, consistent with 9VAC5-80-430 G, and shall include:

- a. The time period included in the certification. The time period to be addressed is January 1 to December 31;
- b. The identification of each term or condition of the permit that is the basis of the certification;
- c. The compliance status;
- d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance;
- e. Consistent with subsection 9VAC5-80-490 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period;
- f. Such other facts as the permit may require to determine the compliance status of the source; and
- g. One copy of the annual compliance certification shall be submitted to EPA in electronic format only. The certification document should be sent to the following electronic mailing address:

R3_APD_Permits@epa.gov

(9VAC5-80-490)

49. **General Conditions - Permit Deviation Reporting** - The permittee shall notify the Director, Southwest Regional Office within four daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the discovery, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semi-annual compliance monitoring report pursuant to Condition 47 of this permit.
(9VAC5-80-490 F.2)
50. **General Conditions - Failure/Malfunction Reporting** - In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall no later than four daytime business hours after the malfunction is discovered, notify the Director, Southwest Regional Office of such failure or malfunction and within 14 days provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9VAC5-40-50 C and 9VAC5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9VAC5-40-40 and 9VAC5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Southwest Regional Office.
(9VAC5-80-490 and 9VAC5-20-180 C)

51. **General Conditions - Severability** - The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.
(9VAC5-80-490)
52. **General Conditions - Duty to Comply** - The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is ground for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.
(9VAC5-80-490)
53. **General Conditions - Need to Halt or Reduce Activity not a Defense** - It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
(9VAC5-80-490)
54. **General Conditions - Permit Modification** - A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9VAC5-80-360, 9VAC5-80-1100, 9VAC5-80-1605, or 9VAC5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.
(9 VAC80-550, 9VAC5-80-660, and 9VAC5-80-490)
55. **General Conditions - Property Rights** - The permit does not convey any property rights of any sort, or any exclusive privilege.
(9VAC5-80-490)
56. **General Conditions - Duty to Submit Information** - The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9VAC5-80-490)
57. **General Conditions - Duty to Submit Information** - Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9VAC5-80-430 G.
(9VAC5-80-490)
58. **General Conditions - Duty to Pay Permit Fees** - The owner of any source for which a permit under 9VAC5-80-360 through 9VAC5-80-700 was issued shall pay permit fees consistent with the requirements of 9VAC5-80-310 through 9VAC5-80-350 in addition to an annual permit maintenance fee consistent with the requirements of 9VAC5-80-2310 through 9VAC5-80-2350. The actual emissions covered by the permit program fees for the preceding year shall be

calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department. The amount of the annual permit maintenance fee shall be the largest applicable base permit maintenance fee amount from Table 8-11A in 9VAC5-80-2340, adjusted annually by the change in the Consumer Price Index.

(9VAC5-80-490, 9VAC5-80-340 and 9VAC5-80-2340)

59. **General Conditions - Fugitive Dust Emission Standards** - During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

- a. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
- b. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
- c. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or similar operations;
- d. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
- e. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9VAC5-40-90, 9VAC5-50-90 and 9VAC5-80-490)

60. **General Conditions - Startup, Shutdown, and Malfunction** - At all times, including periods of startup, shutdown, and soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9VAC5-40-20 E, 9VAC5-50-20 E and 9VAC5-80-490)

61. **General Conditions - Alternative Operating Scenarios** - Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9VAC5-80-500 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9VAC5 Chapter 80, Article 3.

(9VAC5-80-490)

62. **General Conditions - Inspection and Entry Requirements** - The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:
- a. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.
 - b. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
 - d. Sample or monitor at reasonable times' substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
- (9VAC5-80-490)
63. **General Conditions - Reopening for Cause** - The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9VAC5-80-430 F. The conditions for reopening a permit are as follows:
- a. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 - b. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
 - c. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9VAC5-80-490 D.
- (9VAC5-80-490)
64. **General Conditions - Permit Availability** - Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.
- (9VAC5-80-490 and 9VAC5-80-510)
65. **General Conditions - Transfer of Permits** –No person shall transfer a permit from one location to another or from one piece of equipment to another.
- (9VAC5-80-490 and 9VAC5-80-520)
66. **General Conditions - Transfer of Permits** - In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9VAC5-80-560.
- (9VAC5-80-490 and 9VAC5-80-520)

67. **General Conditions - Transfer of Permits** - In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9VAC5-80-560.
(9VAC5-80-490 and 9VAC5-80-520)
68. **General Conditions - Permit Revocation or Termination for Cause** - A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9VAC5 Chapter 80 Article 3. The Board may suspend, under such conditions and for such period of time as the Board may prescribe any permit for any grounds for revocation or termination or for any other violations of these regulations.
(9VAC5-80-490, 9VAC5-80-550 C and 9VAC5-80-660)
69. **General Conditions - Duty to Supplement or Correct Application** - Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.
(9VAC5-80-490 and 9VAC5-80-430 E)
70. **General Conditions - Stratospheric Ozone Protection** - If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F.
(9VAC5-80-490 and 40 CFR Part 82)
71. **General Conditions - Asbestos Requirements** - The permittee shall comply with the requirements of National Emissions Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150).
(9VAC5-60-70 and 9VAC5-80-490)
72. **General Conditions - Accidental Release Prevention** - If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(9VAC5-80-490 and 40 CFR Part 68)
73. **General Conditions - Changes to Permits for Emissions Trading** - No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9VAC5-80-490)

74. **General Conditions - Emissions Trading** - Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:
- a. All terms and conditions required under 9VAC5-80-490, except subsection N, shall be included to determine compliance.
 - b. The permit shield described in 9VAC5-80-500 shall extend to all terms and conditions that allow such increases and decreases in emissions.
 - c. The owner shall meet all applicable requirements including the requirements of 9VAC5-80-360 through 9VAC5-80-700.
(9VAC5-80-490)

VIII. Title IV – Phase II Acid Rain Permit Allowances and Requirements

75. **Phase II Acid Rain Program - Statutory and Regulatory Authorities** - In accordance with the Air Pollution Control Law of Virginia §10.1-1308 and §10.1-1322, the Environmental Protection Agency (EPA) Final Full Approval of the Operating Permits Program (Titles IV and V) published in the Federal Register December 4, 2001, Volume 66, Number 233, Rules and Regulations, Pages 62961-62967 and effective November 30, 2001, and Title 40, the Code of Federal Regulations §§72.1 through 76.16, the Commonwealth of Virginia Department of Environmental Quality (DEQ) issues this permit pursuant to 9VAC5 Chapter 80, Article 3 of the Virginia Regulations for the Control and Abatement of Air Pollution (Federal Operating Permit Article 3).
(9VAC5-80-490)

76. Phase II Acid Rain Program - Permit Requirements

- a. The designated representative of each affected source and each affected unit at the source shall:
 - i. Submit a complete Acid Rain Permit application and acid rain compliance plan under 40 CFR Part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
 - ii. Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit.
 - b. The owners and operators of each affected source and each affected unit at the source shall:
 - i. Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
 - ii. Have an Acid Rain Permit.
- (9VAC5-80-420, 9VAC5-80-430, 9VAC5-80-490 and 40 CFR Part 72.9(a))

77. Phase II Acid Rain Program - Monitoring Requirements

- a. The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR Part 75.

- b. The emissions measurements recorded and reported in accordance with 40 CFR Part 75 shall be used to determine compliance by the source or unit, as appropriate, with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- c. The requirements of 40 CFR Part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the federal Clean Air Act and other provisions of the operating permit for the source.
(9VAC5-80-490 and 40 CFR 72.9(b))

78. Phase II Acid Rain Program - Sulfur Dioxide Requirements - The owners and operators of each source and each affected unit at the source shall:

- a. Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and
- b. Comply with the applicable Acid Rain emissions limitations for sulfur dioxide as listed in Table 2 of 40 CFR 73.10 (see below for Phase II SO₂ Allocations table).

Emission Unit ID	Total Annual Phase II SO ₂ Allocations Under Table 2, 40 CFR§73 (tons/yr)
CR1	5302
CR2	6123

(9VAC5-80-420, 9VAC5-80-490 and 40 CFR Parts 72 and 73)

79. Phase II Acid Rain Program – Sulfur Dioxide Requirements - SO₂ allowances may be acquired from other sources in addition to those allocated by U.S. EPA. No revision to this permit is necessary in order for the owners and operators of this unit to hold additional allowances recorded in accordance with 40 CFR Part 73. The owners and operators of this unit remain obligated to hold sufficient allowances to account for SO₂ emissions from this unit in accordance with 40 CFR 72.9(c)(1).

(9VAC5-80-420, 9VAC5-80-490 and 40 CFR Parts 72 and 73)

80. Phase II Acid Rain Program – Sulfur Dioxide Requirements

- a. Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the federal Clean Air Act.
- b. An affected unit shall be subject to the requirements under 9VAC5-80-420 C.1.as follows:
 - i. Starting January 1, 1995, an affected unit under 9VAC5-80-380 A.2.; or
 - ii. Starting on the later of January 1, 1995, in accordance with 40 CFR 72.41 and 72.43, an affected unit under 40 CFR 72.6(a)(2) or (3) that is a substitution or compensating unit; or
 - iii. Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2) that is not a substitution or compensating unit; or

- iv. Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR Part 75, an affected unit under 9VAC5-80-380 A.3. that is not a substitution or compensating unit.
 - c. Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
 - d. An allowance shall not be deducted in order to comply with the sulfur dioxide requirements of 40 CFR 72.9(c)(1)(i) prior to the calendar year for which the allowance was allocated.
 - e. An allowance allocated by the EPA Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
 - f. An allowance allocated by the EPA Administrator under the Acid Rain Program does not constitute a property right.
- (9VAC5-80-420, 9VAC5-80-490 and 40 CFR 72.9(c))

81. Phase II Acid Rain Program - Nitrogen Oxides Requirements - Pursuant to 40 CFR 76.11, the Commonwealth of Virginia Department of Environmental Quality approves a NO_x emissions averaging plan for this unit, effective from calendar years 2017 through 2021. Under the plan, this unit's NO_x emissions shall not exceed the annual average alternative contemporaneous emission limitation of **0.80 lb/mmBtu**.

Under the plan, the actual Btu-weighted annual average NO_x emission rate for the units in the plan shall be less than or equal to the Btu-weighted annual average NO_x emission rate for the same units had they each been operated, during the same period of time, in compliance with the applicable emission limitations under 40 CFR 76.5, 76.6, or 76.7, except that for any early election units, the applicable emission limitations shall be under 40 CFR 76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR 76.11(d)(1)(ii)(A)) is met for a year under the plan, then this unit shall be deemed to be in compliance for that year with its alternative contemporaneous annual emission limitation.

In accordance with 40 CFR 72.40(b)(2), approval of the averaging plan shall not be final until every state and local permitting authority with jurisdiction over one or more units included in the averaging plan has approved the plan with the same modifications or conditions, if any.

In addition to the described NO_x compliance plan, this unit shall comply with all other applicable requirements of 40 CFR part 76, including the duty to reapply for a NO_x compliance plan, and requirements covering excess emissions.
(9VAC5-80-490 and 40 CFR parts 72 and 76)

82. Phase II Acid Rain Program - Excess Emissions Requirements

- a. The designated representative of an affected source that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR Part 77.
- b. The owners and operators of an affected source that has excess emissions in any calendar year shall:

- i. Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR Part 77; and
 - ii. Comply with the terms of an approved offset plan, as required by 40 CFR Part 77.
- (9VAC5-80-420, 9VAC5-80-490 and 40 CFR 72.9(e))

83. Phase II Acid Rain Program - Recordkeeping and Reporting Requirements

- a. Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
 - i. The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
 - ii. All emissions monitoring information, in accordance with 40 CFR Part 75, provided that to the extent that 40 CFR Part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
 - iii. Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
 - iv. Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
 - b. The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR Part 72 Subpart I and 40 CFR Part 75.
- (9VAC5-80-420, 9VAC5-80-490 and 40 CFR 72.9(f))

84. Phase II Acid Rain Program - Liability

- a. Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 9VAC5-80-390 or 9VAC5-80-400 and 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the federal Clean Air Act and by the board pursuant to §§ 10.1-1316 and 10.1-1320 of the Code of Virginia.
- b. Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the federal Clean Air Act and 18 U.S.C. 1001 and by the board pursuant to §§ 10.1-1316 and 10.1-1320 of the Code of Virginia.
- c. No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.

- d. Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.
- e. Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
- f. Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit.
- g. Each violation of a provision of the Acid Rain Program regulations (40 CFR Parts 72, 73, 74, 75, 76, 77, and 78) by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the federal Clean Air Act.
(9VAC5-80-420, 9VAC5-80-490 and 40 CFR 72.9(g))

85. Phase II Acid Rain Program - Effect on Other Authorities - No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 9VAC5-80-390 or 9VAC5-80-400 and 40 CFR 72.7 or 72.8 shall be construed as:

- a. Except as expressly provided in Title IV of the federal Clean Air Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the federal Clean Air Act, including the provisions of title I of the federal Clean Air Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- b. Limiting the number of allowances a source can hold; provided, that the number of allowances held by the source shall not affect the source's obligation to comply with any other provisions of the federal Clean Air Act;
- c. Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
- d. Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
- e. Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.
(9VAC5-80-420, 9VAC5-80-490 and 40 CFR 72.9(h))

IX. NO_x Budget Trading Program Requirements

- 86. NO_x Budget Trading Program Requirements - NO_x Budget Permit General Conditions** - A review of the air emission units included in this permit approval has determined that the equipment listed in the Condition 88 table meets the definition of a NO_x Budget Unit and falls subject to the NO_x Budget emission limitations under 9VAC5-140-40. As required by 9VAC5-

140-200 A, each NO_x Budget source is required to have a federally enforceable permit. This section of the document represents the NO_x Budget permit.
(9VAC5-80-490 and 9VAC5-140-40)

87. NO_x Budget Trading Program Requirements - NO_x Budget Permit General Conditions -

The NO_x Budget permit will be administrated by the VADEQ under the authority of 9VAC5-80-360 et seq., and 9VAC5-140-10 et seq.
(9VAC5-80-490 and 9VAC5-140-200 A)

88. NO_x Budget Trading Program Requirements - NO_x Budget Permit General Conditions -

The following air emission units have been determined to meet the applicability requirements as provided in 9VAC5-140-40 A.1 and A.2. Units that do not meet this definition, are not defined as 25-Ton Exemption Units and are not permanently shutdown can be included in the NO_x Budget Trading program as "opt-in" air emission sources.
(9VAC5-80-490 and 9VAC5-140-40 A)

Facility NO _x Budget Units				
Facility Unit ID	NATS Account ID	Unit Name and description	Maximum Heat Capacity (MMBtu/hr)	Maximum Generation Capacity (megawatts)
CR1	003775-000001	Babcock and Wilcox Radiant Tube Boiler (RB-363)	2461	Nominal 242 MW
CR2	003775-000002	Babcock and Wilcox Radiant Tube Boiler (RB-363)	2461	Nominal 242 MW

89. NO_x Budget Trading Program Requirements - Standard Requirements - Continuous Monitoring requirements.

- a. The owners and operators and, to the extent applicable, the NO_x authorized account representative of each NO_x Budget source and each NO_x Budget unit at the source shall comply with the monitoring requirements of 9VAC5-140-700 et seq.
- b. The emissions measurements recorded and reported in accordance with 9VAC5-140-700 et seq., shall be used to determine compliance by the unit with the NO_x Budget emissions limitation under Condition 90. The following approved methods will be used to calculate NO_x Control Period and Annual emission rates:

NO _x Mass Emission Rate Monitoring		
Unit Type	Item Monitored	Monitoring Methods (40 CFR 75)
Natural Gas-Fired	NO _x concentration (ppm) Stack Flow NO _x rate (lb/MMBtu) Diluent Gas (O ₂ OR CO ₂) Heat Rate (MMBtu/hr)	CEMS Stack Flow Monitor CEMS / Appendix E Diluent Gas Monitor Appendix D

(9VAC5-80-490, 9VAC5-140-60 B.1 and 9VAC5-140-60 B.2)

90. NO_x Budget Trading Program Requirements - Standard Requirements – Nitrogen Oxides requirements.

- a. The owners and operators of each NO_x Budget source and each NO_x Budget unit at the source shall hold NO_x allowances available for compliance deductions under 9VAC5-140-540 A, B, E, or F, as of the NO_x allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO_x emissions for the control period from the unit, as determined in accordance with 9VAC5-140-700 et seq., plus any amount necessary to account for actual utilization under 9VAC5-140-420 E for the control period or to account for excess emissions for a prior control period under 9VAC5-140-540 D or to account for withdrawal from the NO_x Budget Trading Program, or a change in regulatory status, of a NO_x Budget opt-in unit under 9VAC5-140-860 or 9VAC5-140-870.
- b. Each ton of nitrogen oxides emitted in excess of the NO_x Budget emissions limitation shall constitute a separate violation of the Clean Air Act and applicable Virginia Air Pollution Control law.
- c. A NO_x Budget unit shall be subject to the requirements under 9VAC5-140-60 C.1 starting on May 1, 2004.
- d. NO_x allowances shall be held in, deducted from, or transferred among NO_x Allowance Tracking System accounts in accordance with 9VAC5-140-400 et seq., 9VAC5-140-500 et seq., 9VAC5-140-600 et seq., and 9VAC5-140-800 et seq.
- e. A NO_x allowance shall not be deducted in order to comply with the requirements under 9VAC5-140-60 C.1 for a control period in a year prior to the year for which the NO_x allowance was allocated.
- f. A NO_x allowance allocated by the permitting authority or the administrator under the NO_x Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NO_x Budget Trading Program. No provision of the NO_x Budget Trading Program, the NO_x Budget permit application, the NO_x Budget permit, or an exemption under 9VAC5-140-50 and no provision of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.
- g. A NO_x allowance allocated by the permitting authority or the administrator under the NO_x Budget Trading Program does not constitute a property right.
- h. Upon recordation by the administrator under 9VAC5-140-500 et seq., 9VAC5-140-600 et seq., or 9VAC5-140-800 et seq., every allocation, transfer, or deduction of a NO_x allowance to or from a NO_x Budget unit's compliance account or the overdraft account of the source where the unit is located is deemed to amend automatically, and become a part of, any NO_x Budget permit of the NO_x Budget unit by operation of law without any further review.
(9VAC5-80-490 and 9VAC5-140-60 C)

91. NO_x Budget Trading Program Requirements - Standard Requirements - Excess emissions requirements - The owners and operators of a NO_x Budget unit that has excess emissions in any control period shall:

- a. Surrender the NO_x allowances required for deduction under 9VAC5-140-540 D.1; and
- b. Pay any fine, penalty, or assessment or comply with any other remedy imposed under 9VAC5-140-540 D.3.
(9VAC5-80-490 and 9VAC5-140-60 D)

92. NO_x Budget Trading Program Requirements - Recordkeeping and Reporting

Requirements - Unless otherwise provided, the owners and operators of the NO_x Budget source and each NO_x Budget unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the permitting authority or the administrator.

- a. The account certificate of representation for the NO_x authorized account representative for the source and each NO_x Budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 9VAC5-140-130; provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NO_x authorized account representative.
- b. All emissions monitoring information, in accordance with 9VAC5-140-700 et seq. of this part; provided that to the extent that 9VAC5-140-700 et seq. provides for a three-year period for recordkeeping, the three-year period shall apply.
- c. Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO_x Budget Trading Program.
- d. Copies of all documents used to complete a NO_x Budget permit application and any other submission under the NO_x Budget Trading Program or to demonstrate compliance with the requirements of the NO_x Budget Trading Program.
(9VAC5-80-490 and 9VAC5-140-60 E.1)

93. NO_x Budget Trading Program Requirements - Recordkeeping and Reporting

Requirements - The NO_x authorized account representative of a NO_x Budget source and each NO_x Budget unit at the source shall submit the reports and compliance certifications required under the NO_x Budget Trading Program, including those under 9VAC5-140-300 et seq., 9VAC5-140-700 et seq., or 9VAC5-140-800 et seq.
(9VAC5-80-490 and 9VAC5-140-60 E.2)

94. NO_x Budget Trading Program Requirements - Emission Testing - The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.
(9VAC5-80-490, 9VAC5-40-30, and 9VAC5-140-710)

95. NO_x Budget Trading Program Requirements - Liability – The following requirements concerning liability shall apply:

- a. Any person who knowingly violates any requirement or prohibition of the NO_x Budget Trading Program, a NO_x Budget permit, or an exemption under 9VAC5-140-50 shall be subject to enforcement pursuant to applicable State or Federal law.

- b. Any person who knowingly makes a false material statement in any record, submission, or report under the NO_x Budget Trading Program shall be subject to criminal enforcement pursuant to the applicable State or Federal law.
- c. No permit revision shall excuse any violation of the requirements of the NO_x Budget Trading Program that occurs prior to the date that the revision takes effect.
- d. Each NO_x Budget source and each NO_x Budget unit shall meet the requirements of the NO_x Budget Trading Program.
- e. Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget source or the NO_x authorized account representative of a NO_x Budget source shall also apply to the owners and operators of such source and of the NO_x Budget units at the source.
- f. Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget unit or the NO_x authorized account representative of a NO_x budget unit shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under 9VAC5-140-700 et seq., the owners and operators and the NO_x authorized account representative of one NO_x Budget unit shall not be liable for any violation by any other NO_x Budget unit of which they are not owners or operators or the NO_x authorized account representative and that is located at a source of which they are not owners or operators or the NO_x authorized account representative.

(9VAC5-80-490 and 9VAC5-140-60 F)

96. **NO_x Budget Trading Program Requirements - Effect on Other Authorities** - No provision of the NO_x Budget Trading Program, a NO_x Budget permit application, a NO_x Budget permit, or an exemption under 9VAC5-140-50 shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO_x authorized account representative of a NO_x Budget source or NO_x Budget unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

(9VAC5-80-490 and 9VAC5-140-60 G)

X. Transport Rule (TR) Trading Program (Cross State Air Pollution Rule (CSAPR))

The TR subject units, and the unit-specific monitoring provisions at this source, are identified in the following tables. These units are subject to the requirements for the TR NO_x Annual Trading Program and the TR NO_x Ozone Season Trading Program.

Parameter	Continuous emission monitoring system or systems (CEMS) requirements pursuant to 40 CFR part 75, subpart B (for SO ₂ monitoring) and 40 CFR part 75, subpart H (for NO _x monitoring)	Excepted monitoring system requirements for gas- and oil-fired units pursuant to 40 CFR part 75, appendix D	Excepted monitoring system requirements for gas- and oil-fired peaking units pursuant to 40 CFR part 75, appendix E	Low Mass Emissions excepted monitoring (LME) requirements for gas- and oil-fired units pursuant to 40 CFR 75.19	EPA-approved alternative monitoring system requirements pursuant to 40 CFR part 75, subpart E
Unit ID: CR1					
SO ₂		X			
NO _x	X				
Heat Input		X			
Unit ID CR2					
SO ₂		X			
NO _x	X				
Heat Input		X			

97. **Transport Rule – Monitoring Provisions** – The above description of the monitoring used by a unit does not change, create an exemption from, or otherwise affect the monitoring, recordkeeping, and reporting requirements applicable to the unit under 40 CFR 97.430 through 97.435 (TR NO_x Annual Trading Program), 97.530 through 97.535 (TR NO_x Ozone Season Trading Program), and 97.630 through 97.635 (TR SO₂ Group 1 Trading Program). The monitoring, recordkeeping and reporting requirements applicable to each unit are included below in the standard conditions for the applicable TR trading programs.
(9VAC5-80-490 and 40 CFR 97)

98. **Transport Rule – Monitoring Provisions** – Owners and operators must submit to the Administrator a monitoring plan for each unit in accordance with 40 CFR 75.53, 75.62 and 75.73, as applicable. The monitoring plan for each unit is available at the EPA’s website at: <https://www.epa.gov/airmarkets/clean-air-markets-monitoring-plans-part-75-sources>.
(9VAC5-80-490 and 40 CFR 97)

99. **Transport Rule – Monitoring Provisions** – Owners and operators that want to use an alternative monitoring system must submit to the Administrator a petition requesting approval of the alternative monitoring system in accordance with 40 CFR part 75, subpart E and 40 CFR 75.66 and 97.435 (TR NO_x Annual Trading Program), 97.535 (TR NO_x Ozone Season Trading Program), and 97.635 (TR SO₂ Group 1 Trading Program), as applicable. The Administrator’s response approving or disapproving any petition for an alternative monitoring system is available on the EPA’s website at <https://www.epa.gov/airmarkets/part-75-petition-responses>.
(9VAC5-80-490 and 40 CFR 97)

100. **Transport Rule – Monitoring Provisions** – Owners and operators that want to use an alternative to any monitoring, recordkeeping, or reporting requirement under 40 CFR 97.430 through 97.434 (TR NO_x Annual Trading Program), 97.530 through 97.534 (TR NO_x Ozone Season Trading Program), and 97.630 through 97.634 (TR SO₂ Group 1 Trading Program), must submit to the Administrator a petition requesting approval of the alternative in accordance with 40 CFR 75.66 and 97.435 (TR NO_x Annual Trading Program), and 97.535 (TR NO_x Ozone Season Trading Program), as applicable. The Administrator’s response approving or disapproving any petition for an alternative to a monitoring, recordkeeping, or reporting requirement is available on EPA’s website at <https://www.epa.gov/airmarkets/part-75-petition-responses>.
(9VAC5-80-490 and 40 CFR 97)
101. **Transport Rule – Monitoring Provisions** – The descriptions of monitoring applicable to the unit included above meet the requirement of 40 CFR 97.430 through 97.434 (TR NO_x Annual Trading Program), 97.530 through 97.534 (TR NO_x Ozone Season Trading Program), and 97.630 through 97.634 (TR SO₂ Group 1 Trading Program), as applicable, and therefore minor permit modification procedures, in accordance with 40 CFR 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B), may be used to add to or change this unit’s monitoring system description.
(9VAC5-80-490 and 40 CFR 97)
102. **Transport Rule (TR) NO_x Annual Trading Program** - The following conditions must be adhered to for Units CR1 and CR2, which are subject to the TR NO_x Annual Trading Program (40 CFR 97.406):
- a. Designated representative requirements. - The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.413 through 97.418.
 - b. Emissions monitoring, reporting, and recordkeeping requirements.
 - i. The owners and operators, and the designated representative, of each TR NO_x Annual source and each TR NO_x Annual unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.430 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.431 (initial monitoring system certification and recertification procedures), 97.432 (monitoring system out-of-control periods), 97.433 (notifications concerning monitoring), 97.434 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.435 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
 - ii. The emissions data determined in accordance with 40 CFR 97.430 through 97.435 shall be used to calculate allocations of TR NO_x Annual allowances under 40 CFR 97.411(a)(2) and (b) and 97.412 and to determine compliance with the TR NO_x Annual emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.430 through 97.435 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

c. NO_x emissions requirements.

i. TR NO_x Annual emissions limitation.

- 1) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each TR NO_x Annual source and each TR NO_x Annual unit at the source shall hold, in the source's compliance account, TR NO_x Annual allowances available for deduction for such control period under 40 CFR 97.424(a) in an amount not less than the tons of total NO_x emissions for such control period from all TR NO_x Annual units at the source.
- 2) If total NO_x emissions during a control period in a given year from the TR NO_x Annual units at a TR NO_x Annual source are in excess of the TR NO_x Annual emissions limitation set forth in paragraph (c)(i)(1) above, then:
 - A) The owners and operators of the source and each TR NO_x Annual unit at the source shall hold the TR NO_x Annual allowances required for deduction under 40 CFR 97.424(d); and
 - B) The owners and operators of the source and each TR NO_x Annual unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart AAAAA and the Clean Air Act.

ii. TR NO_x Annual assurance provisions.

- 1) If total NO_x emissions during a control period in a given year from all TR NO_x Annual units at TR NO_x Annual sources in the state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO_x emissions during such control period exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) TR NO_x Annual allowances available for deduction for such control period under 40 CFR 97.425(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.425(b), of multiplying:
 - A) The quotient of the amount by which the common designated representative's share of such NO_x emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state for such control period, by which each common designated representative's share of such NO_x emissions exceeds the respective common designated representative's assurance level; and
 - B) The amount by which total NO_x emissions from all TR NO_x Annual units at TR NO_x Annual sources in the state for such control period exceed the state assurance level.
- 2) The owners and operators shall hold the TR NO_x Annual allowances required under paragraph (c)(ii)(1) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.

- 3) Total NO_x emissions from all TR NO_x Annual units at TR NO_x Annual sources in the State during a control period in a given year exceed the state assurance level if such total NO_x emissions exceed the sum, for such control period, of the state NO_x Annual trading budget under 40 CFR 97.410(a) and the state's variability limit under 40 CFR 97.410(b).
 - 4) It shall not be a violation of 40 CFR part 97, subpart AAAAA or of the Clean Air Act if total NO_x emissions from all TR NO_x Annual units at TR NO_x Annual sources in the State during a control period exceed the state assurance level or if a common designated representative's share of total NO_x emissions from the TR NO_x Annual units at TR NO_x Annual sources in the state during a control period exceeds the common designated representative's assurance level.
 - 5) To the extent the owners and operators fail to hold TR NO_x Annual allowances for a control period in a given year in accordance with paragraphs (c)(ii)(1) through (3) above,
 - A) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
 - B) Each TR NO_x Annual allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(ii)(1) through (3) above and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart AAAAA and the Clean Air Act.
- iii. Compliance periods.
- 1) A TR NO_x Annual unit shall be subject to the requirements under paragraph (c)(i) above for the control period starting on the later of January 1, 2015, or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.430(b) and for each control period thereafter.
 - 2) A TR NO_x Annual unit shall be subject to the requirements under paragraph (c)(ii) above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.430(b) and for each control period thereafter.
- iv. Vintage of allowances held for compliance.
- 1) A TR NO_x Annual allowance held for compliance with the requirements under paragraph (c)(i)(1) above for a control period in a given year must be a TR NO_x Annual allowance that was allocated for such control period or a control period in a prior year.
 - 2) A TR NO_x Annual allowance held for compliance with the requirements under paragraphs (c)(i)(2)(A) and (ii)(1) through (3) above for a control period in a given year must be a TR NO_x Annual allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
- v. Allowance Management System requirements. Each TR NO_x Annual allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart AAAAA.
- vi. Limited authorization. A TR NO_x Annual allowance is a limited authorization to emit one ton of NO_x during the control period in one year. Such authorization is limited in its use and duration as follows:

- 1) Such authorization shall only be used in accordance with the TR NO_x Annual Trading Program; and
 - 2) Notwithstanding any other provision of 40 CFR part 97, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- vii. Property right. A TR NO_x Annual allowance does not constitute a property right.
- d. Title V permit revision requirements.
- i. No title V permit revision shall be required for any allocation, holding, deduction, or transfer of TR NO_x Annual allowances in accordance with 40 CFR part 97, subpart AAAAA.
 - ii. This permit incorporates the TR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR 97.430 through 97.435, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR part 75, subparts B and H), an excepted monitoring system (pursuant to 40 CFR part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR 75.19), and an alternative monitoring system (pursuant to 40 CFR part 75, subpart E). Therefore, the Description of TR Monitoring Provisions table for units identified in this permit may be added to, or changed, in this title V permit using minor permit modification procedures in accordance with 40 CFR 97.406(d)(2) and 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).
- e. Additional recordkeeping and reporting requirements.
- i. Unless otherwise provided, the owners and operators of each TR NO_x Annual source and each TR NO_x Annual unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
 - 1) The certificate of representation under 40 CFR 97.416 for the designated representative for the source and each TR NO_x Annual unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.416 changing the designated representative.
 - 2) All emissions monitoring information, in accordance with 40 CFR part 97, subpart AAAAA.
 - 3) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the TR NO_x Annual Trading Program.
 - ii. The designated representative of a TR NO_x Annual source and each TR NO_x Annual unit at the source shall make all submissions required under the TR NO_x Annual Trading Program, except as provided in 40 CFR 97.418. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 CFR parts 70 and 71.

f. Liability.

- i. Any provision of the TR NO_x Annual Trading Program that applies to a TR NO_x Annual source or the designated representative of a TR NO_x Annual source shall also apply to the owners and operators of such source and of the TR NO_x Annual units at the source.
 - ii. Any provision of the TR NO_x Annual Trading Program that applies to a TR NO_x Annual unit or the designated representative of a TR NO_x Annual unit shall also apply to the owners and operators of such unit.
- g. Effect on other authorities. No provision of the TR NO_x Annual Trading Program or exemption under 40 CFR 97.405 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a TR NO_x Annual source or TR NO_x Annual unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.
(9VAC5-80-490 and 40 CFR 97)

103. **Transport Rule (TR) NO_x Ozone Season Trading Program** - The following conditions must be adhered to for Emission Units CR1 and CR2, which are subject to the TR NO_x Ozone Season Trading Program (40 CFR 97.506):

- a. Designated representative requirements. The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.513 through 97.518.
- b. Emissions monitoring, reporting, and recordkeeping requirements.
 - i. The owners and operators, and the designated representative, of each TR NO_x Ozone Season source and each TR NO_x Ozone Season unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.530 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.531 (initial monitoring system certification and recertification procedures), 97.532 (monitoring system out-of-control periods), 97.533 (notifications concerning monitoring), 97.534 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.535 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
 - ii. The emissions data determined in accordance with 40 CFR 97.530 through 97.535 shall be used to calculate allocations of TR NO_x Ozone Season allowances under 40 CFR 97.511(a)(2) and (b) and 97.512 and to determine compliance with the TR NO_x Ozone Season emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.530 through 97.535 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.
- c. NO_x emissions requirements.
 - i. TR NO_x Ozone Season emissions limitation.
 - 1) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each TR NO_x Ozone Season source and each TR NO_x Ozone

Season unit at the source shall hold, in the source's compliance account, TR NO_x Ozone Season allowances available for deduction for such control period under 40 CFR 97.524(a) in an amount not less than the tons of total NO_x emissions for such control period from all TR NO_x Ozone Season units at the source.

- 2) If total NO_x emissions during a control period in a given year from the TR NO_x Ozone Season units at a TR NO_x Ozone Season source are in excess of the TR NO_x Ozone Season emissions limitation set forth in paragraph (c)(i)(1) above, then:
 - A) The owners and operators of the source and each TR NO_x Ozone Season unit at the source shall hold the TR NO_x Ozone Season allowances required for deduction under 40 CFR 97.524(d); and
 - B) The owners and operators of the source and each TR NO_x Ozone Season unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart BBBBB and the Clean Air Act.
- ii. TR NO_x Ozone Season assurance provisions.
 - 1) If total NO_x emissions during a control period in a given year from all TR NO_x Ozone Season units at TR NO_x Ozone Season sources in the state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO_x emissions during such control period exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) TR NO_x Ozone Season allowances available for deduction for such control period under 40 CFR 97.525(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.525(b), of multiplying:
 - A) The quotient of the amount by which the common designated representative's share of such NO_x emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state for such control period, by which each common designated representative's share of such NO_x emissions exceeds the respective common designated representative's assurance level; and
 - B) The amount by which total NO_x emissions from all TR NO_x Ozone Season units at TR NO_x Ozone Season sources in the state for such control period exceed the state assurance level.
 - 2) The owners and operators shall hold the TR NO_x Ozone Season allowances required under paragraph (c)(ii)(1) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
 - 3) Total NO_x emissions from all TR NO_x Ozone Season units at TR NO_x Ozone Season sources in the state during a control period in a given year exceed the state assurance level if such total NO_x emissions exceed the sum, for such control period, of the State

NO_x Ozone Season trading budget under 40 CFR 97.510(a) and the state's variability limit under 40 CFR 97.510(b).

- 4) It shall not be a violation of 40 CFR part 97, subpart BBBBBB or of the Clean Air Act if total NO_x emissions from all TR NO_x Ozone Season units at TR NO_x Ozone Season sources in the state during a control period exceed the state assurance level or if a common designated representative's share of total NO_x emissions from the TR NO_x Ozone Season units at TR NO_x Ozone Season sources in the state during a control period exceeds the common designated representative's assurance level.
- 5) (To the extent the owners and operators fail to hold TR NO_x Ozone Season allowances for a control period in a given year in accordance with paragraphs (c)(ii)(1) through (3) above,
 - A) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
 - B) Each TR NO_x Ozone Season allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(ii)(1) through (3) above and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart BBBBBB and the Clean Air Act.

iii. Compliance periods.

- 1) A TR NO_x Ozone Season unit shall be subject to the requirements under paragraph (c)(i) above for the control period starting on the later of May 1, 2015 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.530(b) and for each control period thereafter.
- 2) A TR NO_x Ozone Season unit shall be subject to the requirements under paragraph (c)(ii) above for the control period starting on the later of May 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.530(b) and for each control period thereafter.

iv. Vintage of allowances held for compliance.

- 1) A TR NO_x Ozone Season allowance held for compliance with the requirements under paragraph (c)(i)(1) above for a control period in a given year must be a TR NO_x Ozone Season allowance that was allocated for such control period or a control period in a prior year.
- 2) A TR NO_x Ozone Season allowance held for compliance with the requirements under paragraphs (c)(i)(2)(A) and (ii)(1) through (3) above for a control period in a given year must be a TR NO_x Ozone Season allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.

v. Allowance Management System requirements. Each TR NO_x Ozone Season allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart BBBBBB.

vi. Limited authorization. A TR NO_x Ozone Season allowance is a limited authorization to emit one ton of NO_x during the control period in one year. Such authorization is limited in its use and duration as follows:

- 1) Such authorization shall only be used in accordance with the TR NO_x Ozone Season Trading Program; and

- 2) Notwithstanding any other provision of 40 CFR part 97, subpart BBBBB, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- vii. Property right. A TR NO_x Ozone Season allowance does not constitute a property right.
- d. Title V permit revision requirements.
 - i. No title V permit revision shall be required for any allocation, holding, deduction, or transfer of TR NO_x Ozone Season allowances in accordance with 40 CFR part 97, subpart BBBBB.
 - ii. This permit incorporates the TR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR 97.530 through 97.535, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR part 75, subparts B and H), an excepted monitoring system (pursuant to 40 CFR part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR 75.19), and an alternative monitoring system (pursuant to 40 CFR part 75, subpart E). Therefore, the Description of TR Monitoring Provisions table for units identified in this permit may be added to, or changed, in this title V permit using minor permit modification procedures in accordance with 40 CFR 97.506(d)(2) and 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).
- e. Additional recordkeeping and reporting requirements.
 - i. Unless otherwise provided, the owners and operators of each TR NO_x Ozone Season source and each TR NO_x Ozone Season unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
 - 1) The certificate of representation under 40 CFR 97.516 for the designated representative for the source and each TR NO_x Ozone Season unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.516 changing the designated representative.
 - 2) All emissions monitoring information, in accordance with 40 CFR part 97, subpart BBBBB.
 - 3) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the TR NO_x Ozone Season Trading Program.
 - ii. The designated representative of a TR NO_x Ozone Season source and each TR NO_x Ozone Season unit at the source shall make all submissions required under the TR NO_x Ozone Season Trading Program, except as provided in 40 CFR 97.518. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 CFR parts 70 and 71.

f. Liability.

- i. Any provision of the TR NO_x Ozone Season Trading Program that applies to a TR NO_x Ozone Season source or the designated representative of a TR NO_x Ozone Season source shall also apply to the owners and operators of such source and of the TR NO_x Ozone Season units at the source.
 - ii. Any provision of the TR NO_x Ozone Season Trading Program that applies to a TR NO_x Ozone Season unit or the designated representative of a TR NO_x Ozone Season unit shall also apply to the owners and operators of such unit.
- g. Effect on other authorities. - No provision of the TR NO_x Ozone Season Trading Program or exemption under 40 CFR 97.505 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a TR NO_x Ozone Season source or TR NO_x Ozone Season unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act. (9VAC5-80-490 and 40 CFR 97)

104. **Transport Rule (TR) SO₂ Group 1 Trading Program** - The following conditions must be adhered to for Emission Units CR1 and CR2, which are subject to the TR SO₂ Group 1 Trading Program (40 CFR 97.606):

- a. Designated representative requirements. The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.613 through 97.618.
- b. Emissions monitoring, reporting, and recordkeeping requirements.
 - i. The owners and operators, and the designated representative, of each TR SO₂ Group 1 source and each TR SO₂ Group 1 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.630 (general requirements, including installation, certification, and data accounting, compliance deadlines, reporting data, prohibitions, and long-term cold storage), 97.631 (initial monitoring system certification and recertification procedures), 97.632 (monitoring system out-of-control periods), 97.633 (notifications concerning monitoring), 97.634 (recordkeeping and reporting, including monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.635 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
 - ii. The emissions data determined in accordance with 40 CFR 97.630 through 97.635 shall be used to calculate allocations of TR SO₂ Group 1 allowances under 40 CFR 97.611(a)(2) and (b) and 97.612 and to determine compliance with the TR SO₂ Group 1 emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.630 through 97.635 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

c. SO₂ emissions requirements.

i. TR SO₂ Group 1 emissions limitation.

- 1) As of the allowance transfer deadline for a control period in a given year, the owners and operators of each TR SO₂ Group 1 source and each TR SO₂ Group 1 unit at the source shall hold, in the source's compliance account, TR SO₂ Group 1 allowances available for deduction for such control period under 40 CFR 97.624(a) in an amount not less than the tons of total SO₂ emissions for such control period from all TR SO₂ Group 1 units at the source.
- 2) If total SO₂ emissions during a control period in a given year from the TR SO₂ Group 1 units at a TR SO₂ Group 1 source are in excess of the TR SO₂ Group 1 emissions limitation set forth in paragraph (c)(i)(1) above, then:
 - A) The owners and operators of the source and each TR SO₂ Group 1 unit at the source shall hold the TR SO₂ Group 1 allowances required for deduction under 40 CFR 97.624(d); and
 - B) The owners and operators of the source and each TR SO₂ Group 1 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation 40 CFR part 97, subpart CCCCC and the Clean Air Act.

ii. TR SO₂ Group 1 assurance provisions.

- 1) If total SO₂ emissions during a control period in a given year from all TR SO₂ Group 1 units at TR SO₂ Group 1 sources in the state exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such SO₂ emissions during such control period exceeds the common designated representative's assurance level for the state and such control period, shall hold (in the assurance account established for the owners and operators of such group) TR SO₂ Group 1 allowances available for deduction for such control period under 40 CFR 97.625(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.625(b), of multiplying:
 - A) The quotient of the amount by which the common designated representative's share of such SO₂ emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in the state for such control period, by which each common designated representative's share of such SO₂ emissions exceeds the respective common designated representative's assurance level; and
 - B) The amount by which total SO₂ emissions from all TR SO₂ Group 1 units at TR SO₂ Group 1 sources in the state for such control period exceed the state assurance level.
- 2) The owners and operators shall hold the TR SO₂ Group 1 allowances required under paragraph (c)(ii)(1) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.

- 3) Total SO₂ emissions from all TR SO₂ Group 1 units at TR SO₂ Group 1 sources in the state during a control period in a given year exceed the state assurance level if such total SO₂ emissions exceed the sum, for such control period, of the state SO₂ Group 1 trading budget under 40 CFR 97.610(a) and the state's variability limit under 40 CFR 97.610(b).
 - 4) It shall not be a violation of 40 CFR part 97, subpart CCCCC or of the Clean Air Act if total SO₂ emissions from all TR SO₂ Group 1 units at TR SO₂ Group 1 sources in the state during a control period exceed the state assurance level or if a common designated representative's share of total SO₂ emissions from the TR SO₂ Group 1 units at TR SO₂ Group 1 sources in the state a control period exceeds the common designated representative's assurance level.
 - 5) To the extent the owners and operators fail to hold TR SO₂ Group 1 allowances for a control period in a given year in accordance with paragraphs (c)(ii)(1) through (3) above,
 - A) The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
 - B) Each TR SO₂ Group 1 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(ii)(1) through (3) above and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart CCCCC and the Clean Air Act.
- iii. Compliance periods.
- 1) A TR SO₂ Group 1 unit shall be subject to the requirements under paragraph (c)(i) above for the control period starting on the later of January 1, 2015 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.630(b) and for each control period thereafter.
 - 2) A TR SO₂ Group 1 unit shall be subject to the requirements under paragraph (c)(ii) above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.630(b) and for each control period thereafter.
- iv. Vintage of allowances held for compliance.
- 1) A TR SO₂ Group 1 allowance held for compliance with the requirements under paragraph (c)(i)(1) above for a control period in a given year must be a TR SO₂ Group 1 allowance that was allocated for such control period or a control period in a prior year.
 - 2) A TR SO₂ Group 1 allowance held for compliance with the requirements under paragraphs (c)(i)(2)(A) and (ii)(1) through (3) above for a control period in a given year must be a TR SO₂ Group 1 allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
- v. Allowance Management System requirements. Each TR SO₂ Group 1 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart CCCCC.
- vi. Limited authorization. A TR SO₂ Group 1 allowance is a limited authorization to emit one ton of SO₂ during the control period in one year. Such authorization is limited in its use and duration as follows:

- 1) Such authorization shall only be used in accordance with the TR SO₂ Group 1 Trading Program; and
 - 2) Notwithstanding any other provision of 40 CFR part 97, subpart CCCCC, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- vii. Property right. A TR SO₂ Group 1 allowance does not constitute a property right.
- d. Title V permit revision requirements.
- i. No title V permit revision shall be required for any allocation, holding, deduction, or transfer of TR SO₂ Group 1 allowances in accordance with 40 CFR part 97, subpart CCCCC.
 - ii. This permit incorporates the TR emissions monitoring, recordkeeping and reporting requirements pursuant to 40 CFR 97.630 through 97.635, and the requirements for a continuous emission monitoring system (pursuant to 40 CFR part 75, subparts B and H), an excepted monitoring system (pursuant to 40 CFR part 75, appendices D and E), a low mass emissions excepted monitoring methodology (pursuant to 40 CFR part 75.19), and an alternative monitoring system (pursuant to 40 CFR part 75, subpart E). Therefore, the Description of TR Monitoring Provisions table for units identified in this permit may be added to, or changed, in this title V permit using minor permit modification procedures in accordance with 40 CFR 97.606(d)(2) and 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).
- e. Additional recordkeeping and reporting requirements.
- i. Unless otherwise provided, the owners and operators of each TR SO₂ Group 1 source and each TR SO₂ Group 1 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
 - 1) The certificate of representation under 40 CFR 97.616 for the designated representative for the source and each TR SO₂ Group 1 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.616 changing the designated representative.
 - 2) All emissions monitoring information, in accordance with 40 CFR part 97, subpart CCCCC.
 - 3) Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the TR SO₂ Group 1 Trading Program.
 - ii. The designated representative of a TR SO₂ Group 1 source and each TR SO₂ Group 1 unit at the source shall make all submissions required under the TR SO₂ Group 1 Trading Program, except as provided in 40 CFR 97.618. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 CFR parts 70 and 71.

- f. Liability.
 - i. Any provision of the TR SO₂ Group 1 Trading Program that applies to a TR SO₂ Group 1 source or the designated representative of a TR SO₂ Group 1 source shall also apply to the owners and operators of such source and of the TR SO₂ Group 1 units at the source.
 - ii. Any provision of the TR SO₂ Group 1 Trading Program that applies to a TR SO₂ Group 1 unit or the designated representative of a TR SO₂ Group 1 unit shall also apply to the owners and operators of such unit.
- g. Effect on other authorities. - No provision of the TR SO₂ Group 1 Trading Program or exemption under 40 CFR 97.605 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a TR SO₂ Group 1 source or TR SO₂ Group 1 unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.
(9VAC5-80-490 and 40 CFR 97)